

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: SUFFOLK UNIVERSITY COVID
REFUND LITIGATION

Master File No.: 1:20-cv-10985-WGY

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**PLAINTIFFS' MOTION TO EXTEND THE DEADLINES TO
DESIGNATE TRIAL EXPERTS AND SUBMIT THEIR REPLY IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs Julia Durbeck and Anna Francesca Foti ("Plaintiffs") move to briefly extend the deadlines for Plaintiffs to designate their trial experts by seven (7) days from May 16, 2022 to May 23, 2022, and for Plaintiffs to submit their reply In support of their Motion for Class Certification by nine (9) days from May 23, 2022 to June 2, 2022.¹

Good cause exists for the requested extensions and briefing schedule revisions. Counsel have been working diligently to meet these deadlines but require more time due to several factors. Plaintiffs' expert is currently involved in a number of pending matters subject to deadlines for expert disclosures, and, accordingly, needs additional time to prepare and finalize a report to be provided as per Fed. R. Civ. P. 26(a)(2)(B). Good cause also exists for the requested extension to submit a reply in support of class certification. Defendant Suffolk University ("Suffolk") submitted an opposition to class certification raising numerous issues and challenging most of the Rule 23 class certification elements. In addition, Suffolk submitted with its opposition a 38-page expert report (not including attachments). Plaintiffs, accordingly, need additional to prepare their

¹ The purpose of the additional two (2) days for the class certification reply is to account for the Memorial Day holiday, which falls on Monday, May 30, seven (7) days from the current May 23 deadline.

reply, including time for their expert to review the report of Suffolk's expert in connection with the class certification reply.

The proposed extensions can be granted without affecting the scheduled August 2022 trial date, although other dates and deadlines for expert disclosures and expert discovery would be affected and would accordingly need to be modified, as set forth below.

Plaintiffs propose the following revised dates:

- Plaintiffs' trial experts designated: May 23, 2022 (from May 16, 2022)
- Plaintiffs' reply in support of class certification: June 2, 2022 (from May 23, 2022)
- Plaintiffs' trial Experts deposed: June 8, 2022 (from May 30, 2022)
- Defendant's trial experts designated: June 22, 2022 (from June 13, 2022)
- Defendant's trial experts deposed: July 7, 2022 (from June 27, 2022)
- Close of all discovery: July 7, 2022 (from June 27, 2022)
- Trial: August, 2022 (unchanged)²

WHEREFORE, for the reasons set forth above, the Plaintiffs respectfully request a brief seven (7) day extension for designation of their trial experts, and a brief nine (9) day extension to submit their reply in support of their Motion for Class Certification, and request that the other expert designation and discovery dates and deadlines be correspondingly extended as specified herein.

² The July 1, 2022 date for dispositive motions is no longer operative because Defendant's Motion for Summary Judgment is fully briefed and is scheduled for hearing on June 29.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Undersigned counsel certify that they have conferred with counsel for Defendant in a good faith effort to resolve or narrow the issues raised by this Motion, with the following result: Defendant's counsel indicated that Defendant opposes this Motion.

Dated: May 13, 2022

Respectfully submitted,

/s/Blake G. Abbott

Blake G. Abbott (admitted *pro hac vice*)

Roy T. Willey, IV (admitted *pro hac vice*)

Eric M. Poulin (admitted *pro hac vice*)

Anastopoulos Law Firm, LLC

32 Ann Street

Charleston, SC 29403

Email: blake@akimlawfirm.com

roy@akimlawfirm.com

eric@akimlawfirm.com

-AND-

David Pastor (BBO # 391000) **PASTOR
LAW OFFICE, LLP**

63 Atlantic Avenue, 3d Floor Boston, MA
02110

Tel.: (617) 742-9700

Fax: (617) 742-9701

Email: dpastor@pastorlawoffice.com

Richard E. Levine (BBO 672675)
STANZLER LEVINE, LLC
65 William Street, Suite 205
Wellesley, MA 02481
Telephone: (617) 482-3198
Email: rlevine@stanzlerlevine.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 13, 2022.

/s/ Blake G. Abbott
Blake G. Abbott